

Obergefell v. Hodges, S.Ct. (June 26, 2015), an opinion of the Supreme Court of the United States.

5. Plaintiffs diligently moved for dismissal as soon as it became apparent that dismissal was necessary. *See Ohlander v. Larson*, 114 F.3d 1531, 1538 (10th Cir. 1997).

6. Defendant will not be prejudiced by the dismissal. *Smith v. Lenches*, 263 F.3d 972, 975 (9th Cir. 2001); *Pontenberg v. Boston Scientific Corp.*, 252 F.3d 1253, 1255-56 (11th Cir. 2001); *see Cnty. of Santa Fe v. Pub. Serv. Co. of N.M.*, 311 F.3d 1031, 1049-50 (10th Cir. 2002).

7. Plaintiffs requests that the dismissal be without prejudice to refileing the suit.

8. Defendant has not filed a counterclaim.

C. CONCLUSION

9. On June 26, 2015, Plaintiffs sought a marriage license at the office of Defendant based upon the ruling by the United States Supreme Court issued that day holding that the fundamental right to marry is guaranteed to same-sex couples by both Due Process and the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution. The Defendant refused to oblige the request and comply with federal law solely on the stated ground that the state issued form had separate sections for a “male” or “man” and “female” or “woman,” i.e. the chosen form only accommodated opposite sex couples. Subsequently, over the weekend, the State of Texas edited and made available all forms. On June 29, 2015, Defendant complied with a second application and federal law.

For these reasons, plaintiff asks the Court to dismiss the suit without prejudice to

refilling.

Respectfully Submitted,

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